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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,822	02/27/2002	Shaygan Kheradpir	01-1004	6524
32127	7590	12/28/2004	EXAMINER	
VERIZON CORPORATE SERVICES GROUP INC. C/O CHRISTIAN R. ANDERSEN 600 HIDDEN RIDGE DRIVE MAILCODE HQEO3H14 IRVING, TX 75038			CHOW, MING	
			ART UNIT	PAPER NUMBER
			2645	
DATE MAILED: 12/28/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/083,822	Applicant(s) KHERADPIR ET AL.	
	Examiner Ming Chow	Art Unit 2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14-31 is/are pending in the application.
- 4a) Of the above claim(s) 18-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-12, 14-17, drawn to network device configuration, classified in class 709, subclass 220.
 - II. Claims 18-27, 29-31, drawn to calling party service profile, classified in class 379, subclass 201.08.
 - III. Claim 28, drawn to service triggers, classified in class 379, subclass 207.02
2. Inventions I, II, III are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because invention I does not require the particulars of the inventions I or II. The subcombination has separate utility such as a configuration database of user account information and modifying the user account information, and receiving a request for service and updating the user on status of the service request.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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3. During a telephone conversation with Joseph Palmieri a provisional election was made without traverse to prosecute the invention of 10/083822, claims 1-12, 14-17. Affirmation of this election must be made by applicant in replying to this Office Action. Claims 18-31 were withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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4. Claims 1-12, 14-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Gudjonsson et al (US: 6564261).

For claims 1, 5, 9, Gudjonsson et al teach on Fig. 9 communication devices associated with a voice network and a data network.

Gudjonsson et al teach on Fig. 26, connection server (claimed “unified communication manager”).

Gudjonsson et al teach on column 9 line 8-12, SIP (reads on claimed “instant messaging service”).

Gudjonsson et al teach on column 3 line 9-13, receiving users requests for communication sessions and configuring how invitations are handled. Gudjonsson et al teach on column 1 line 12-15, communication session is a function of communication devices. Therefore, requests for configuring communication sessions is the claimed “request to configure communication devices”.

Gudjonsson et al teach on column 3 line 14-63 how the connection is configured. Gudjonsson et al teach on column 3 line 19-22 a logic (claimed “one or more rules”). Gudjonsson et al teach on column 9 line 65 to column 10 line 7 the rules are based on an invitation for text chat (reads on claimed “based on information in the message”).

Gudjonsson et al teach on column 13 line 5-18 a sending user (claimed “the user”) is provided a text chat invitation (claimed “instant messaging service”) when the communication session do get established (reads on claimed “notification indicating the configuration of the connection”).

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Regarding claims 2, 6, 10, Gudjonsson et al teach on column 8 line 57-63 determining whether the user is currently online or not.

Regarding claims 3, 7, 11, 15, for a voice chat the signaling information must be received via a voice network.

Regarding claims 4, 8, 12, 14, for a text chat the connection information must be received via a data network.

Regarding claim 16, Gudjonsson et al teach on column 15 line 60-61 forward (claimed “downloading”) the status change (claimed “code”) to the clients (claimed “at least one of the communication devices”).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gudjonsson et al (US: 6564261), and in view of Matthews et al (US: 6584122).

All rejections as stated in claims 1 and 15 above apply.

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Gudjonsson et al failed to teach “receiving a.....speech processor”. However, Matthews et al teach on column 17 line 51-53 a DSP (claimed “speech processor”) in a voice network. It would have been obvious to one skilled at the time the invention was made to modify Gudjonsson et al to have the “receiving a.....speech processor” as taught by Matthews et al such that the modified system of Gudjonsson al would be able to support the system users a reliable processor to accurately process the call from a user.

Response to Arguments

6. Applicant's arguments filed on 8/6/04 have been fully considered but they are not persuasive.

- i) Applicant argues, on page 12, regarding claim 1. As rejections stated in claim 1 above, configuring a communication session is configuring communication devices that are used for the communication.
- ii) Applicant argues, on page 13, regarding “admin tool” as taught by Gudjonsson et al. Applicant’s argument is irrelevant to the rejection as the Examiner recited. Gudjonsson et al teach on column 3 line 19-22 a logic (claimed “one or more rules”). How the logic is created is a different issue and is not within the scope of the claimed limitation. Also,

Gudjonsson et al teach on column 33 line 2-5, based on the settings in the profile the other users will be routed to a auto-replier. Therefore, the “settings in the profile” is the claimed “one or more rules”.

- iii) Applicant argues, on page 14, regarding a notification indicating the configuration of a device”. As rejection stated in claim 1 above, the sending user is provided a text chat invitation when the communication session do get established. The text chat invitation is in response to the sending user’s request to communicate with selected contacts (see column 12 line 55 to column 13 line 4). Therefore, when the sending users is provided a text chat invitation it indicates the sending user’s request of communication (configuring communication devices) is configured.
- iv) Applicant argues, on page 14-16, regarding claim 17. The system as taught by Gudjonsson et al inherently has a speech processor the voice network. However, Gudjonsson et al is silent on the speech processor. The Examiner’s reciting Matthews et al is to teach the speech processor in the same environment that is taught by Gudjonsson et al. As the Applicant stated, on page 14, the motivation can be a knowledge generally available to one of ordinary skill in the art. Therefore, modifying Gudjonsson et al in view of Matthews et al in order to support a reliable speech processor is definitely a common knowledge and motivation to one skilled in the art.

Conclusion

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this application and office action should be directed to the examiner Ming Chow whose telephone number is (703) 305-4817. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (703) 306-0377. Any response to this action should be mailed to:

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Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to Central FAX Number 703-872-9306.

Patent Examiner

Art Unit 2645

Ming Chow



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